

REMARKS/ARGUMENTS

Claims 1-18 and 20-54 are pending. Claims 6-18, 22, 26-37, and 42-54 are allowed. Claims 4, 24, and 40 are objected to. Claims 1-3, 5, 20, 21, 23, 25, 38, 39, and 41 are rejected.

Claims 5, 25, and 41 were rejected under 35 U.S.C. §112, second paragraph, for lacking antecedent basis for the term "in response to P". In response, applicant has amended these claims to provide the proper antecedent basis. Applicant therefore requests that the Section 112, second paragraph, rejection of these claims as amended be withdrawn.

Claims 1-3, 5, 20-21, 23, 25, 38-30, and 41 were rejected under 35 U.S.C. §102(b) over U.S. patent no. 5,802,161 (Svoronos et al.). This rejection is respectfully traversed.

Svoronos et al. disclose a scheme for ordering (prioritizing) individual contacts that may be attempted within a given period of time (contact attempt period). The contacts are then attempted in their order of priority. The ordering (the contact priority value) is based in part on the probability that the contact attempt will result in the desired party actually being reached (right party contact probability), as opposed to the wrong party being reached by the contact (wrong party contact probability) or no one being reached by the contact (no connect probability).

So, the probabilities used by Svoronos et al. are the probabilities of contact attempts being successful or unsuccessful. In contrast, applicant's claims 1, 20, and 21 recite determining for each one of a plurality of resources "a probability of availability of the one resource" at a future point in time. These are different probabilities, that is, probabilities of different events. Consequently, Svoronos et al. do not anticipate applicant's claims.

Moreover, Svoronos et al. use the probabilities to order contact attempts, as was pointed out above. In contrast, the inventions recited in applicant's claims 2, 21, and 38 use the probabilities to determine how

many new tasks to schedule to become available for servicing by the resources. The difference in use is one of ordering versus amount (number). For this additional reason as well, Svoronos et al. do not anticipate applicant's claims 2, 21, and 38.

The remaining claims that were rejected over Svoronos et al. depend from claims 1, 20, 21, and 38, and therefore are not anticipated by Svoronos et al. for at least the same reasons.

3 In view of the above discussion, applicant requests that the Section
4 102(b) rejection of his claims 1-3, 5, 20-21, 23, 25, 38-39, and 41 be
5 withdrawn.

Claims 4, 24, and 40 were objected to as being dependent upon a rejected base claim. But since their base claims were shown above to be allowable, applicant suggests that claims 4, 24, and 40 are allowable as well. Applicant therefore requests that the objections to claims 4, 24, and 40 be withdrawn.

The Examiner's rejections and objection having been properly responded to and overcome, applicant respectfully suggests that the application is now in condition for allowance. Applicant therefore respectfully requests that the application be reconsidered and thereafter be passed to issue.

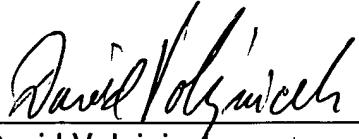
Although the foregoing is believed to be dispositive of the issues in the application, if the Examiner deems that a telephone interview would advance the prosecution, applicant requests the Examiner to call applicant's attorney at the telephone number listed below.

Serial No. 09/872,188
Amdt. Dated 21 June 2006
Reply to Office Action of April 11, 2006

Respectfully submitted,

David C. Mullen

By



David Volejnicek
Corporate Counsel
Reg. No. 29355
303-538-4154

Date: 22 June 2006

Avaya Inc.
Docket Administrator
307 Middletown-Lincroft Road
Room 1N-391
Lincroft, NJ 07738